

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KENNEDY FUNDING, INC.,

Plaintiff

v.

**RUGGERS AQUISITION AND
DEVELOPMENT, LLC. ET AL.**

Defendants

Civil Action No. 07-669(FSH)

JM REALTY & INVESTMENTS,

Plaintiff

v.

KENNEDY FUNDING, INC.,

Defendants

Civil Action No. 07-218(FSH)

ORDER

This matter having come before the Court by way of letter dated June 22, 2007, regarding Kennedy Funding's request for the entry of a discovery confidentiality order;

and Ruggers and JM having telephonically advised the Chambers of the Undersigned that they oppose the request;

and it therefore appearing that the June 22, 2007 letter raises a discovery-related dispute;

and the Court having entered Order dated April 25, 2007 that specifically set forth the

format in which the parties are required to raise discovery disputes;¹

and it appearing that the June 22, 2007 letter was not submitted in the format required for raising discovery disputes;

and for the reasons set forth herein;

IT IS ON THIS 22nd day of June, 2007

ORDERED that the request for relief embodied in the plaintiff's letter dated June 22, 2007 is denied without prejudice;

IT IS FURTHER ORDERED that the discovery disputes (other than those arising during the course of depositions) raised in the June 22, 2007 letter shall be presented, no later than **June**

¹The Court set forth a specific format for raising discovery disputes that requires the parties to both confer and work together in good faith to resolve and present discovery disputes. Moreover, the required format assists the Court to efficiently resolve the disputes and ensures that the necessary information is presented in a concise fashion. The Orders dated April 16, 2007 and April 25, 2007 specifically state:

Counsel shall confer in a good faith attempt to informally resolve any discovery disputes before seeking the Court's intervention. Should such informal effort fail to resolve the dispute, the matter shall be brought to the Court's attention in the first instance by a brief letter outlining the dispute. The Court will thereafter schedule a telephonic discovery conference pursuant to Fed. R. Civ. P. 26(f) to resolve the dispute. See L. Civ. R. 16.1(f)(1).

If the dispute involves an alleged deficiency in a response to a discovery request, then the parties shall submit a **joint** letter that sets forth: (a) the request, (b) the response; (c) efforts to resolve the dispute; (d) why the complaining party believes the information is relevant and why the responding party's response continues to be deficient; and (e) why the responding party believes the response is sufficient. No further submissions regarding the dispute may be submitted without leave of Court. If necessary, the Court will thereafter schedule a telephone conference to resolve the dispute.

No discovery motion or motion for sanctions for failure to provide discovery shall be made before utilizing the procedures set forth in these paragraphs without prior leave of Court.

The June 22, 2007 submission does not comply with the Order and will not be considered.

28, 2007, in the format set forth in the Order dated April 25, 2007 ;

IT IS FURTHER ORDERED to the extent there remains a dispute regarding the terms of a discovery confidentiality order, then for each term for which there is a dispute, the parties shall include in the proposed order a footnote providing their respective positions about why the disputed term is or is not appropriate; and

IT IS FURTHER ORDERED that all terms of the Order dated April 25, 2007 shall remain in full force and effect.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE